


ORDERED.

Dated: February 07, 2017


Cynthia C. Jackson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re:

UP – FIELDGATE US INVESTMENTS –
FASHION SQUARE, LLC,

Case No. 6:17-bk-00088

Chapter 11

Debtor.

**INTERIM ORDER ON THE BANCORP BANK'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

This case came on for a preliminary hearing on January 25, 2017, to consider the Motion for Relief from the Automatic Stay (the “Motion”) (Doc. No. 30) filed by The Bancorp Bank (“Secured Creditor or Lender”) against the Debtor, **UP – FIELDGATE US INVESTMENTS – FASHION SQUARE, LLC** (the “Debtor”). For the reasons stated in Court, it is **ORDERED**:

1. A final hearing on the Motion is hereby set for February 24, 2017, commencing at 10:00 a.m., and the automatic stay shall remain in place through the conclusion of that hearing

and the Court's ruling on the Motion.

2. As interim adequate protection:

(a) The terms of the First Interim Order Granting Debtor's Motion to Cash Collateral (Doc. #20) and Second Interim Order Granting Debtor's Motion to Cash Collateral (Doc. #42) are incorporated herein by reference.

(b) Secured Creditor shall have a post-petition replacement lien in the collateral described in the Motion to the same extent and with the same validity and priority as its prepetition lien, without the need to file or execute any document as may otherwise be required under applicable non-bankruptcy law.

(c) Secured Creditor also shall have *nunc pro tunc*, as of the petition date, an administrative expense claim pursuant to Section 507(a)(2) and 503(b) of the Bankruptcy Code for the diminution in the collateral resulting by and through Debtor's use thereof.

3. This Order is without prejudice to the right of Secured Creditor to argue its entitlement to additional adequate protection regarding the Collateral, including adequate protection payments, for the period of the automatic stay, and Debtor's right to oppose the same.

Attorney Kevin A. Reck is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.